

# PROPOSED ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2020 RESPONSE FORM

As part of the production of the Local Development Plan, a 'Main Issues Report' was published in January 2019. The responses from these consultations have helped to inform the content of the Proposed Local Development Plan ("the Proposed Plan").

The Aberdeenshire Local Development Plan will direct decision-making on land-use planning issues and planning applications in Aberdeenshire for the 10-year period from 2021 to 2031. The Proposed Plan was agreed by Aberdeenshire Council in March 2020 as the settled view of the Council. However, the Proposed Plan will be subjected to an independent examination and is now open for public comment.

## **This is your opportunity to tell us if anything should be changed in the Proposed Plan, and why.**

When writing a response to the Proposed Plan it is important to specifically state the modification(s) that you would wish to see to the Plan.

This is the only remaining opportunity to comment on the Proposed Plan. The reasons for any requested changes will be analysed and reported to Scottish Ministers. They will then appoint a person known as a Reporter to conduct a public examination of the Proposed Plan, focusing particularly on any unresolved issues and the changes sought.

Ministers expect representations (or responses) to be concise (no more than 2000 words) and accompanied by limited supporting documents. It is important to ensure that all of the information that you wish to be considered is submitted during this consultation period as there is no further opportunity to provide information, unless specifically asked.

Please email comments to [ldp@aberdeenshire.gov.uk](mailto:ldp@aberdeenshire.gov.uk) or send this form to reach us by 17 July 2020.

We recommend that you keep a copy of your representation for your own records.



## ACCESSIBILITY

If you need information from this document in an alternative language or in a Large Print, Easy Read, Braille or BSL, please telephone 01467 536230.

Jeigu pageidaujate šio dokumento kita kalba arba atspausdinto stambiu šriftu, supaprastinta kalba, parašyta Brailio raštu arba britų gestų kalba, prašome skambinti 01467 536230.

Dacă aveți nevoie de informații din acest document într-o altă limbă sau într-un format cu scrisul mare, ușor de citit, tipar pentru nevăzători sau în limbajul semnelor, vă rugăm să telefonați la 01467 536230.

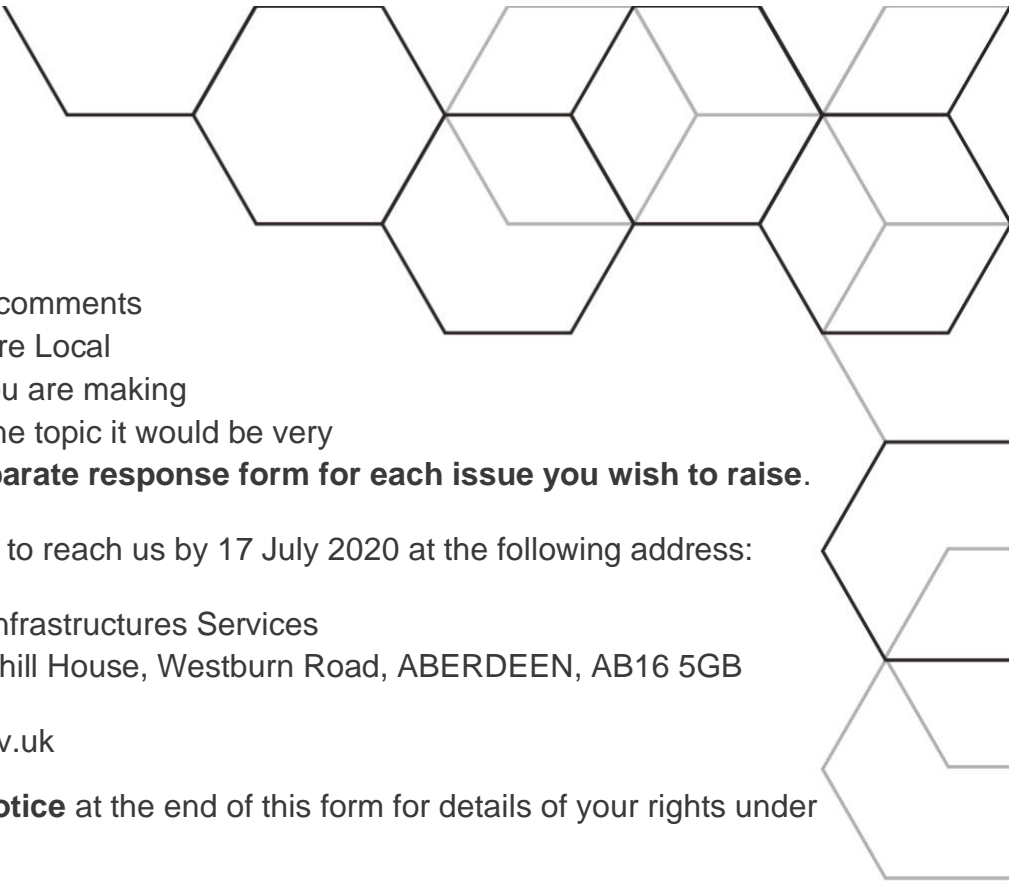
Jeśli potrzebowali będą Państwo informacji z niniejszego dokumentu w innym języku, pisanych dużą czcionką, w wersji łatwej do czytania, w alfabecie Braille'a lub w brytyjskim języku migowym, proszę o telefoniczny kontakt na numer 01467 536230.

Ja jums nepieciešama šai dokumentā sniegtā informācija kādā citā valodā vai lielā drukā, viegli lasāmā tekstā, Braila rakstā vai BSL (britu zīmju valodā), lūdzu, zvaniet uz 01467 536230.

Aberdeenshire Local Development Plan  
Woodhill House, Westburn Road, Aberdeen, AB16 5GB

Tel: 01467 536230  
Email: [ldp@aberdeenshire.gov.uk](mailto:ldp@aberdeenshire.gov.uk)  
Web: [www.aberdeenshire.gov.uk/ldp](http://www.aberdeenshire.gov.uk/ldp)  
Follow us on Twitter @ShireLDP

If you wish to contact one of the area planning offices, please call 01467 534333 and ask for the relevant planning office or email [planning@aberdeenshire.gov.uk](mailto:planning@aberdeenshire.gov.uk).



Please use this form to make comments on the Proposed Aberdeenshire Local Development Plan 2020. If you are making comments about more than one topic it would be very helpful if you could fill in a **separate response form for each issue you wish to raise**.

Please email or send the form to reach us by 17 July 2020 at the following address:

Post: Planning Policy Team, Infrastructures Services  
Aberdeenshire Council, Woodhill House, Westburn Road, ABERDEEN, AB16 5GB

Email: [ldp@aberdeenshire.gov.uk](mailto:ldp@aberdeenshire.gov.uk)

Please refer to our **Privacy Notice** at the end of this form for details of your rights under the Data Protection Act.

## YOUR DETAILS

Title:	██
First Name:	Malcolm
Surname:	Campbell
Date:	22 July 2020
Postal Address:	██
Postcode:	██████████
Telephone Number:	████████████████
Email:	██

Are you happy to receive future correspondence only by email? Yes  No

Are you responding on behalf of another person? Yes  No

If yes who are you representing? **Hermiston Securities Limited**

Tick the box if you would like to subscribe to the Aberdeenshire LDP eNewsletter:

*An acknowledgement will be sent to this address soon after the close of consultation.*

# YOUR COMMENTS

Please provide us with your comments below. We will summarise comments and in our analysis will consider every point that is made. Once we have done this we will write back to you with Aberdeenshire Council's views on the submissions made. We will publish your name as the author of the comment, but will not make your address public.

**Modification that you wish to see** (please make specific reference to the section of the Proposed Plan you wish to see modified if possible, for example Section 9, paragraph E1.1):

My clients Hermiston Securities Limited would like to see the Local Development Plan modified as follows in respect of their development at Blairs Village:

1. The settlement boundary for Blairs identified in the Local Development Plan Settlement Statement for Kincardine and Mearns in Appendix 7E should be altered to more accurately depict the boundaries of approved planning consents for Blairs including incorporation of the former Blairs College and associated buildings of historic importance. A plan of the suggested village boundary is attached to these representations.
2. Reference should be made in the settlement statement for Blairs in the LDP, also in Appendix 7E, to the need for development at Blairs to be in accordance with an updated Masterplan being prepared for Blairs in consultation with the Planning Authority. The Masterplan will set down parameters for a range of acceptable uses for the historic buildings at Blairs and the extent of the settlement boundaries.
3. Reference should be made in the settlement statement for Blairs in the LDP in Appendix 7E to children at Blairs having the option to attend for secondary education either Mackie Academy or Cults Academy.
4. The reference made in the settlement statement for Blairs in the LDP in Appendix 7E to contributions being required for community facilities in the wider catchment area at Portlethen should be replaced with our commitment to provide a new community hall at Blairs as part of the development.
5. The reference made in the settlement statement for Blairs in the LDP in Appendix 7E to healthcare contributions being required for Blairs should be removed.
6. Notwithstanding our desire to see Blairs designated as a settlement in line with the plan in Appendix 1 of these representations, the current boundary of Blairs Hamlet as drafted in the Proposed LDP is incorrect in that it omits the house (Plot 22) lying immediately to the west of Burnside Cottages. This needs to be rectified.

## Reason for changes:

Hermiston Securities Limited submitted a development bid for Blairs to the emerging Local Development Plan (LDP) in March 2018 (Site KN110). This sought to remove land at Blairs from the Countryside and Green Belt and allocate it as a designated settlement in the new LDP. It also sought some flexibility in terms of appropriate alternative uses for the former Blairs College buildings.

Hermiston Securities welcomed the officers response to these representations later in 2018 and subsequent recommendation to Councillors that some of the land covered by extant planning consents at Blairs for residential development be removed from the Countryside and Green Belt and be allocated for development. Hermiston also noted that officers consider in time that the scale of the extant permission would warrant identification of Blairs as a settlement. Hermiston Securities however were disappointed that it was not considered appropriate at that time for Blairs to be identified as a settlement rather than just a residential allocation. Further representations were made to the Main Issues Report and the Draft Proposed Local Development Plan on these matters in April 2019, however this did not result in any further changes being made to the Local Development Plan in respect of Blairs. Nevertheless, Hermiston Securities consider that there remain sound planning reasons for their suggested changes to be incorporated into the finalised LDP.

Development has commenced on the first phase of Blairs and house completions are now increasing, albeit not at pre-oil crash completion levels previously experienced in Aberdeen and Aberdeenshire. This is as a result of improving market conditions, recognition that Blairs is now becoming an established housing location, the recent positive impact of the opening of the AWPR on the local economy and the attractiveness of Blairs as a location. Hermiston have also committed substantial resources to the Blairs development with the investment in roads and drainage infrastructure.

It is considered that designation of the area proposed as a settlement boundary for Blairs in Appendix 1 would be appropriate for the following reasons:

1 The development of the site safeguards, and enables beneficial future uses of, the former college buildings within an appropriate context of a mixed residential location which adds to the renewed vibrancy of the local housing market, in a very attractive setting.

2 Our approach to the master-planning of the wider site, including the enabling housing development at the Hamlet which sits between the B9077 and the River Dee, is to create an integrated community with supporting local services.

3 The beautiful setting of the site has enabled us to develop a design which is wholly in keeping with the setting and its key features, such as the pre-existing structural

landscaping, the natural topography and of course the previously built environment and heritage of the former college buildings.

4 The master-planning approach also enhances the environment to support the continued use by the community – new as well as existing - of the New Chapel, a Category A Listed structure, another key element in the future functionality of this renewing local community.

5 The inclusion of the whole site allows for a critical mass of primary school pupils and secondary students to arise from the development and make a significant contribution to local schools, and indeed the upgrading of Safe Routes to School, as designated in the Section 75 discussions around the development (more on this later).

6 The recent approval in December 2019 of a Section 42 planning application (APP/2019/1656) to allow a variation to the existing MSC consent for Blairs to extend the timescales for bringing forward details of the development mix and designs for Blairs presents an opportunity to reassess the timing and scope of development at Blairs in line with changing market conditions and not least the abnormal impact the COVID-19 pandemic might have on the local economy and housing market.

It would make better sense in planning terms for the land immediately around the proposed Blairs College Estate LDP allocation (OP1) as identified in Appendix 1 of this submission to be removed from the Green Belt and included as part of the allocation and settlement boundary for Blairs. This would recognise all the appropriate uses that contribute to a viable and sustainable settlement including public spaces, open space, landscaped areas, housing, commercial, community and retail uses would be identified. The current settlement proposals are identified in a Masterplan approved as part of planning application APP/2013/1292 on 27 March 2014. An updated masterplan is being prepared for Blairs in consultation with Council Development Management officers and Senior Management at Aberdeenshire Council. This will build on the existing masterplan with no major changes proposed, though a small area of land adjoining the existing proposed housing is likely to be promoted for residential use and is necessary to ensure delivery of the new pedestrian bridge over the River Dee, the specification of which has more than increased from original estimates. The updated masterplan also provides further guidance on the range of uses that should be considered as acceptable for the historic buildings at Blairs. In addition to a hotel and conference centre and holiday accommodation, this includes, leisure and retail uses, a community hall, and office/commercial use all of which are compatible with Blairs as a settlement. Greater flexibility is important to help ensure viable uses are found for the important historic buildings that can ensure their retention and future beneficial use.

Marketing of the existing buildings for a hotel and conference centre continues to be undertaken by Hermiston Securities so far without success in terms of attracting a viable interest. Locating the proposed hotel in a settlement would provide operators with confidence that the hotel could be delivered rather than the existing policy constrained position.

As stated above the proposed identification of the housing at Blairs as a development opportunity is welcomed, however there are good planning and economic reasons for other parts of the Blairs College Estate as covered by existing planning consents to be removed from the Green Belt and allocated in accordance with the proposed updated masterplan for Blairs. This does not mean a relaxation in the control of development at Blairs, as that will be covered by current and future planning consent conditions, the Section 75 Agreements and the updated masterplan. The Green Belt can only be strengthened if the development and existing buildings at Blairs are excluded from the Green Belt. That way there is no ambiguity about allowing development in the Green Belt. Applying green belt policies and restrictions to the existing historic buildings at Blairs removes the flexibility required to bring forward timeously, alternative uses for the buildings which will ensure their retention and beneficial use for the future. Listed building consent will ensure that no inappropriate uses and development is allowed for the listed buildings and beside them, in order to protect their historic setting.

There is a contradiction in the presentation of Blairs in the LDP. It is recognised as a settlement in the LDP by its inclusion in the section identifying Settlement Statements yet the boundaries shown for the settlement of Blairs only denote the land allocated for residential development and place all other parts of the settlement as identified in the original Blairs Masterplan (See Appendix 2) in the Green Belt. This is not consistent with the approach for other settlements identified in the LDP. Recognition of Blairs as a settlement in accordance with the updated masterplan would also bring it into line with the Council's Housing Land Audit which has recognised, Blairs as a settlement in Aberdeenshire since 2012. The updated masterplan will be brought forward for approval by the Council later in 2020/21. It would make sense for the new Local Development Plan to dovetail with that masterplan.

It is also noted that in terms of the assessment criteria used by Council officers for defining a settlement in the Local Development Plan this is based on the settlement serving a residential function, having street lighting, reduced road speed and at least 15 homes. All of these criteria apply to Blairs and are reasons why all of Blairs should be designated as a settlement now. The reference to the assessment criteria can be found in comments in the Main Issues Report for Ladysbridge in Banff and Buchan.

### **Education and Developer Contributions**

In accordance with the terms of the legislative context for the creation of the unitary Aberdeen City and Shire Authorities and their statutory duty to avoid any unnecessary 'boundary effects', there has been much discussion around the projected impact of the Blairs development on the local school's estate.

Although agreement has been reached on the future of secondary school pupils arising from the Hamlet part of the development, and their continued access to Cults Academy given that this phase of the housing development was under construction before a decision was taken to rezone pupils out of the City's catchment zones, there remains uncertainty over plans for high school students arising from the rest of the site.

It is our strong contention that to do anything other than to honour the position which existed at outline planning stage, and upon which much of the development economics for the site were calculated, that all high school students who wish to access a place at Cults Academy should be able to continue to do so.

It is important to note that incoming pupils were, for a period, left in a state of 'legal limbo', without a designated high school to attend, and any further uncertainty in that regard would further exacerbate an already delicate situation.

In fact, the approach being promoted through the LDP would create a classification system for pupils living in the area, including those from pre-existing housing located within the red-line boundary, their siblings, those intending to move into new houses and those who may move into existing homes.

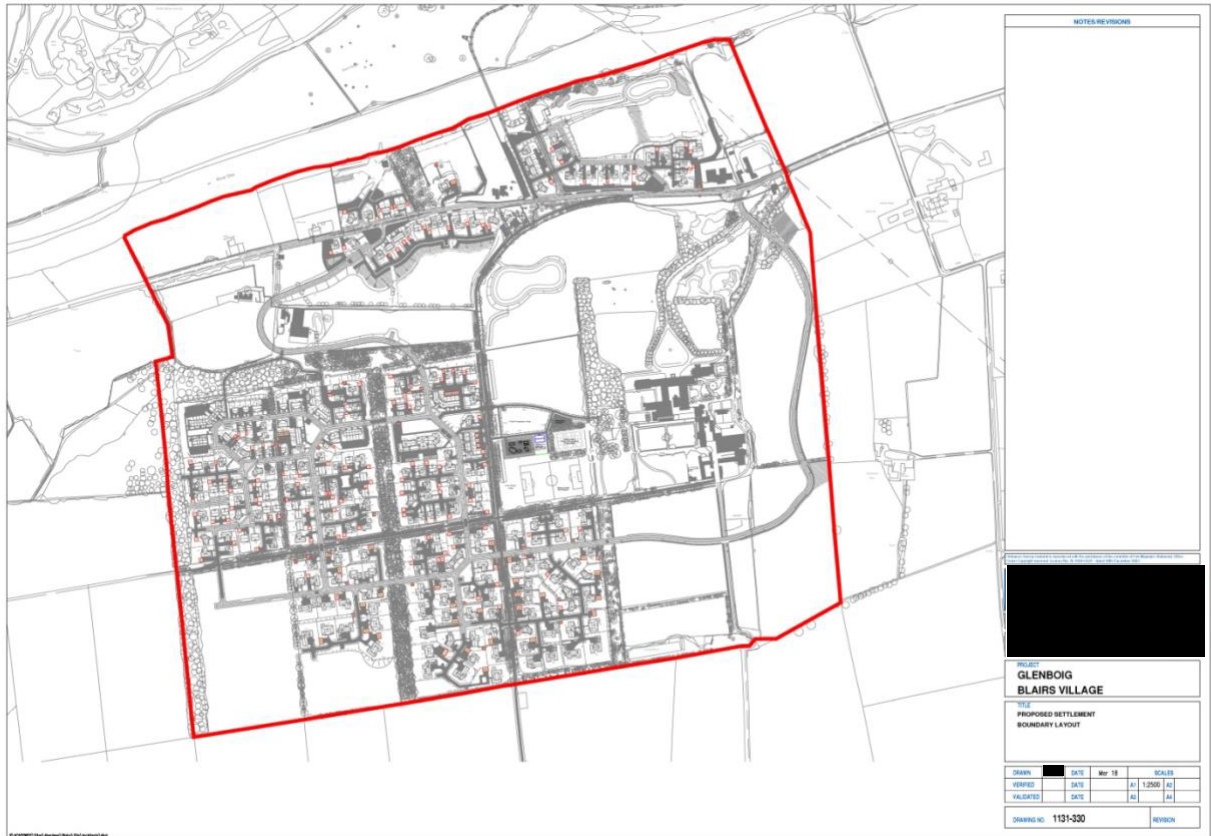
Given the nature of the task to best manage the demand for places in local schools with an appropriate supply of places, Hermiston Securities firmly believe that the most appropriate arrangements would be to maintain the pre-existing catchment areas and our Education Impact Assessment previously submitted to Aberdeenshire and Aberdeen City Councils makes this case in detail.

The reference to contributions being required for community facilities in the wider catchment area at Portlethen should also be replaced with our commitment to provide a new community hall at Blairs as part of the development, and its delivery is covered by a clause in the Section 75 Legal Agreements for Blairs.

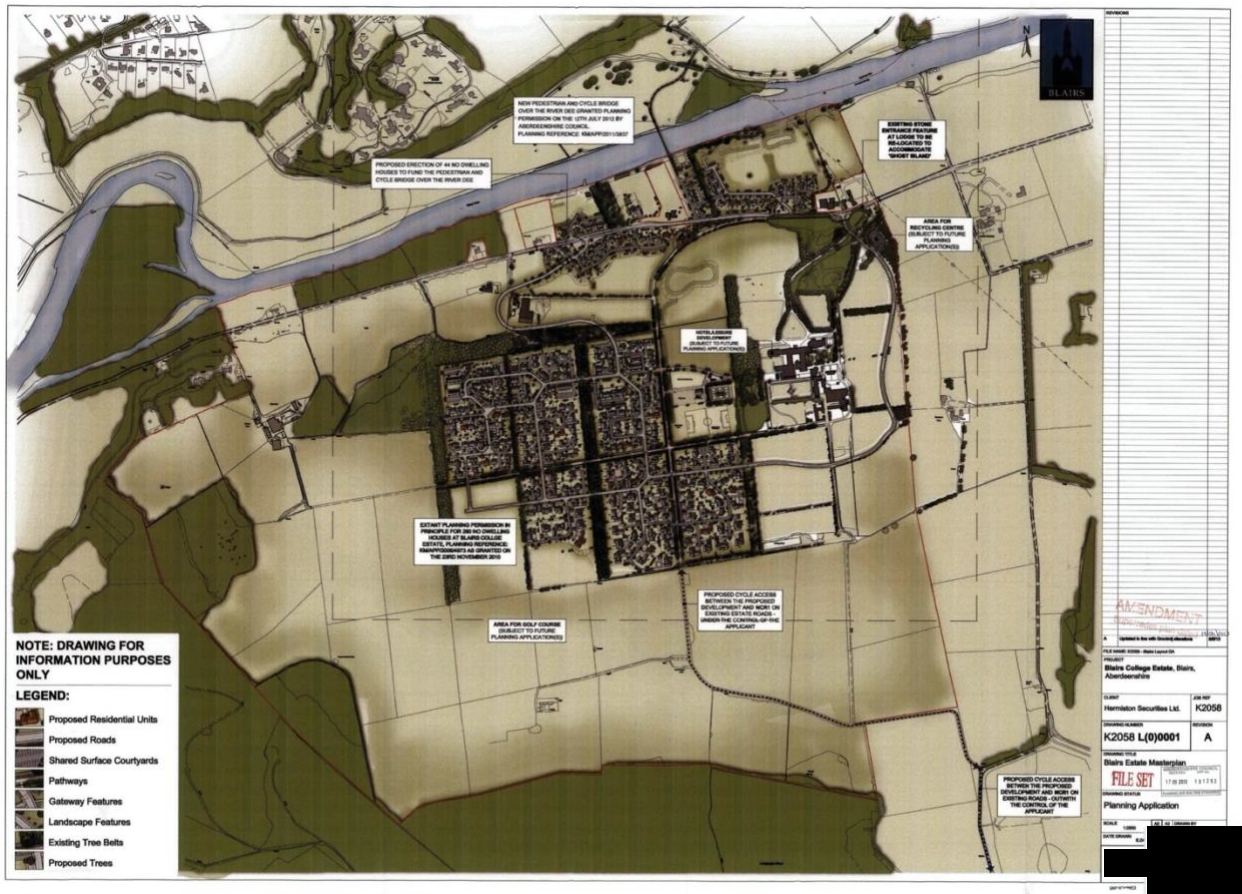
The reference to healthcare contributions being required for Blairs is also erroneous as the two Section 75 Agreements which apply to the Blairs Hamlet and Blairs Village components of Blairs make no reference to healthcare contributions. These cannot be applied retrospectively. If additional houses were to be approved at Blairs in the future as further enabling development to help deliver the pedestrian bridge over the River Dee and conservation of the Listed Buildings, the Section 75 Agreements will be updated to take account of this accordingly.



# Appendix 1 – Blairs Proposed Settlement Boundary



# Appendix 2 – Approved Masterplan for Blairs



# LOCAL DEVELOPMENT PLAN PUBLIC COMMENT

The Data Controller of the information being collected is Aberdeenshire Council.

The Data Protection Officer can be contacted at Town House, 34 Low Street, Banff, AB45 1AY.

Email: [dataprotection@aberdeenshire.gov.uk](mailto:dataprotection@aberdeenshire.gov.uk)

Your information is being collected to use for the following purposes:

- To provide public comment on the Aberdeenshire Local Development Plan. The data on the form will be used to inform Scottish Ministers and individual(s) appointed to examine the Proposed Local Development Plan 2020. It will inform the content of the Aberdeenshire Local Development Plan 2021.

## Your information is:

Being collected by Aberdeenshire Council	X
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## The Legal Basis for collecting the information is:

Personal Data	
Legal Obligations	X

Where the Legal Basis for processing is either Performance of a Contract or Legal Obligation, please note the following consequences of failure to provide the information:

It is a Statutory Obligation under Section 18 of the Town and Country (Scotland) Act 1997, as amended, for Aberdeenshire Council to prepare and publish a Proposed Local Development plan on which representations must be made to the planning authority within a prescribed period of time. Failure to provide details requested in the 'Your Details' section of this form will result in Aberdeenshire Council being unable to accept your representation.

Your information will be shared with the following recipients or categories of recipient:

Members of the public are being given this final opportunity to comment on the Proposed Aberdeenshire Local Development Plan. The reasons for any changes that the Council receives will be analysed and reported to Scottish Ministers. They will then appoint a person to conduct a public examination of the Proposed Plan, focusing particularly on the unresolved issues raised and the changes sought.

Your name and respondent identification number (provided to you by Aberdeenshire Council on receipt of your

submission) will be published alongside a copy of your completed response on the Proposed Local Development Plan website (contact details and information that is deemed commercially sensitive will not be made available to the public).

In accordance with Regulation 22 of the Town and Country (Development Planning) (Scotland) Regulations 2008 where the appointed person determines that further representations should be made or further information should be provided by any person in connection with the examination of the Proposed Plan the appointed person may by notice request that person to make such further representations or to provide such further information.

Your information will be transferred to or stored in the following countries and the following safeguards are in place:

Not applicable.

The retention period for the data is:

Aberdeenshire Council will only keep your personal data for as long as is needed. Aberdeenshire Council will retain your response and personal data for a retention period of 5 years from the date upon which it was collected. After 5 years Aberdeenshire Council will review whether it is necessary to continue to retain your information for a longer period. A redacted copy of your submission will be retained for 5 years beyond the life of the Local Development Plan 2021, possibly until 2037.

The following automated decision-making, including profiling, will be undertaken:

Not applicable.

Please note that you have the following rights:

- to withdraw consent at any time, where the Legal Basis specified above is Consent;
- to lodge a complaint with the Information Commissioner's Office (after raising the issue with the Data Protection Officer first);
- to request access to your personal data;
- to data portability, where the legal basis specified above is:
  - (i) Consent; or
  - (ii) Performance of a Contract;
- to request rectification or erasure of your personal data, as so far as the legislation permits.

